

Court No.1.

Civil Writ Petition No. 3169 (S/S) of 2001.

Vijay Pal Singh Rawat Petitioner.

Versus

District Inspector of
Schools, Pauri Garhwal
and two others. Respondents.

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner seeking writ of certiorari to quash the order dated 17/24.5.2001 passed by respondent No. 1- District Inspector of Schools, Pauri Garhwal on the representation of respondent No. 2, holding the petitioner to be junior to respondent No.2.

A perusal of the impugned order reveals that the petitioner has been held junior to respondent No.2 on the ground that on the day of promotion, the petitioner was not having M.A. qualification and, therefore, he could not have been promoted on the post of Lecturer on 17.3.1981. The respondent No. 2 was having full qualification and was promoted in September 1981. Therefore, the petitioner was not holding a post in substantive capacity as there is no promotion order after acquired M.A. qualification and respondent No.2 was holding post substantively as such respondent No.2 was senior to petitioner.

The order passed by the District Inspector of Schools suffers from non-application of mind inasmuch as he ignored the facts that the petitioner was promoted on 17.3.1981 and he was allowed to join as Lecturer and has been continuously working since then. The petitioner obtained a provisional

certificate, by which the petitioner was declared passed which was taken into account by the Selection Committee and found the petitioner fully eligible. Therefore, the name of the petitioner was recommended for promotion on the basis of certificate given by the University Authority on 10.3.1981, contained in Annexure No.1 to the writ petition and on the basis of this qualification, the petitioner was promoted as Lecturer by respondent No.1 and the petitioner is holding a substantive post after a regular selection.

Thus, the order dated 17/24.5.2001 passed by the D .I.O.S. is liable to be quashed.

In view of above, the writ petition is allowed. The order dated 17/24.5.2001 and also the consequential order dated 31.5.2001 are quashed. The petitioner is held to be senior to respondent No.2.

Sd/-

17.9.2001
P. Singh